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COMMITTEE AGAINST TORTURE

Fourteenth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 225th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 4 May 1995, at 4.55 p.m.

Chairman: Mr. DIPANDA MOUELLE

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ANNUAL REPORT OF THE COMMITTEE ON ITS ACTIVITIES

* The summary record of the first part (closed) of the meeting appears as document CAT/C/SR.225.

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The public part of the meeting was called to order at 4.55 p.m.

FUTURE MEETINGS OF THE COMMITTEE (agenda item 8)

1. The CHAIRMAN announced that the following dates had been proposed for future sessions of the Committee:

13-24 November 1995

29 April- 10 May 1996

11-22 November 1996

28 April-9 May 1997

10-21 November 1997.

The dates for the November 1995 session had already been set. Accordingly the Committee could only discuss the dates proposed for 1996 and 1997.

2. Following a brief exchange of views between Mr. YAKOVLEV, Mrs. ILIOPOULOS-STRANGAS, and the CHAIRMAN, Mr. SORENSEN proposed that the Committee should accept the proposed dates.

3. Mrs. KLEIN (Secretariat) said that the dates for future sessions of the Committee formed part of the detailed calendar of conferences authorized by the General Assembly and any changes would have repercussions on meetings of other bodies. The Committee could propose changes to the Conference Services Division, but there could be no guarantee as to the result of such action.

4. The CHAIRMAN said that, if there was no objection, he would take it that the Committee was prepared to include in its annual report the proposed dates for the autumn session of the Committee in 1995 and for the spring and autumn sessions to be held in 1996 and 1997.

5. It was so decided.

6. Mr. BRUNI (Secretary of the Committee) said that under the same agenda item a possible additional session for the Committee could be considered. The issue had already been discussed by members in closed session. The question which arose was whether, in its annual report, the Committee should request an additional session of one or two weeks' duration, to be held in the form of either a third session or a working group before a regular session of the Committee. There was, however, no guarantee that such a request would be successful.

7. Mr. SORENSEN suggested that the Secretary should read out a draft statement which had been prepared for inclusion in the annual report and which reflected the discussions that had taken place.

8. Mr. BRUNI (Secretary of the Committee) said that a few days earlier members had discussed in closed session two related matters. The first was that the increased workload of the Committee required additional resources

from the secretariat which dealt directly with the Committee. The second was that members of the Committee could no longer keep abreast of the growing workload and the increased number of activities relating to implementation of the Convention in the time available to them in two annual sessions. In discussing those matters with Mr. Sorensen, it had been decided that some additional paragraphs should be added to the annual report to reflect those concerns.

9. The first point would be included in chapter I on "organizational and other matters". The relevant text would read:

"Staff resources

The Committee discussed this issue at its 225th meeting on 4 May 1995. The Committee was of the view that the greater complexity of its work and more intensive pace of its operations resulting from the increase in the number of States parties to the Convention, the new cycle of periodic reports submitted by States parties, the increasing amount of information received under the inquiry procedure and the growing number of communications submitted under the individual communications procedure had added significantly to the workload of the secretariat in providing substantive servicing to the Committee.

The Committee recalls that in accordance with article 18, paragraph 3, of the Convention, the Secretary-General of the United Nations was to provide the necessary staff and facilities for the effective performance of the functions of the Committee. The Committee underlines that recommendations concerning the provision of adequate secretariat resources for treaty bodies have already been made by their Chairpersons in the Vienna statement of June 1993 and most recently in the report of their fifth meeting, held at the United Nations Office in Geneva from 19 to 23 September 1994.

The Committee therefore requests the Secretary-General to take the necessary steps to ensure a substantial increase in the staff assigned to service the Committee in order to enable it to perform effectively the functions entrusted to it under the Convention."

10. The question of additional meetings could be covered by the following text, which would be included in chapter VIII of the annual report on "future meetings of the Committee" and would read:

"In addition, the Committee recalls that, in accordance with rule 1 of its rules of procedure, it shall hold meetings as may be required for the satisfactory performance of its functions. The Committee expresses concern at the lack of time available to it in two regular annual sessions to cope with the great complexity of its work and the intensive pace of its operations resulting from the increase in the number of States parties to the Convention, the new cycle of periodic reports submitted by States parties, the increasing amount of information under the inquiry procedure and the growing number of communications submitted under the individual communications procedure.

The Committee therefore decides to request the General Assembly to authorize the Secretary-General to schedule an additional regular session of [... week's/weeks'] duration each year beginning in 1996."

11. Mr. SORENSEN considered that the Committee should request one of two possibilities, either a workshop or an additional session.

12. Mr. BURNS said that he seemed to be one of the few members of the Committee who were sceptical about the need for additional time. He nevertheless endorsed the consensus to the effect that the Committee wanted another session in order to achieve its optimum ends. For that purpose, however, it should not dilute its recommendation. There was a consensus to ask for an additional period of one week; he himself could endorse a two-week session.

13. Mrs. ILIOPOULOS-STRANGAS said that discussions with members of the secretariat had confirmed her view that lack of time had been one reason why a particular incident, which she hoped would not be repeated had occurred during the current session. The more experience she had had of the Committee's work, the more she was convinced that it needed a third session for the reasons stated by the Secretary.

14. Mr. SORENSEN considered that the Committee should ask for one week only; two weeks would represent a 50 per cent increase in the working time available to it. A 25 per cent increase was still a considerable amount.

15. Mr. YAKOVLEV suggested that the Committee should request a one-week session either in the last week of August or in the first week in September.

16. The CHAIRMAN said that, if there was no objection he would take it that the Committee would request one additional week in its annual report.

17. It was so decided.

ACTION BY THE GENERAL ASSEMBLY AT ITS FORTY-NINTH SESSION (agenda item 9)

(a) ANNUAL REPORT SUBMITTED BY THE COMMITTEE UNDER ARTICLE 24 OF THE CONVENTION

18. The CHAIRMAN drew the attention of members to resolution 49/177 which had been adopted by the General Assembly.

19. The Committee took note of General Assembly resolution 49/177.

(b) EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS UNDER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS

20. The CHAIRMAN drew the attention of members to resolution 49/178 which had been adopted by the General Assembly.

21. The Committee took note of General Assembly resolution 49/178.

ANNUAL REPORT OF THE COMMITTEE ON ITS ACTIVITIES (agenda item 11) (CAT/C/XIV/CRP.1 and Add.1, 3, 4 and 6)

22. The CHAIRMAN invited the Committee to consider the draft report. He reminded members that earlier in the meeting the Committee had adopted texts covering its views on issues relating to increased staff resources and a possible additional session in future years.

Chapter I - Organizational and other matters (CAT/C/XIV/CRP.1)

23. Mr. BRUNI (Secretary of the Committee) pointed out that a few minor errors sometimes appeared in the draft report; they would be corrected by the secretariat. He referred to an error in the English text of the document under consideration: the word "twelfth" in the first line of paragraph 1 should be replaced by the word "fourteenth".

24. The second sentence of paragraph 7 would be replaced by the following text prepared by the Rapporteur:

> "The fourteenth session of the Committee was attended by all the members, except Mr. Lorenzo. In a letter addressed to the Chairman on 20 April 1995, Mr. Lorenzo explained that he had not received from the United Nations authorization to travel to Geneva on the grounds of incompatibility between his current status of international civil servant and that of member of the Committee. On 24 April 1995 the Chairman, on behalf of the Committee, addressed a letter to the Secretary-General stating the Committee's view that the decision to refuse Mr. Lorenzo authorization to travel appeared to be a serious interference in its activities and that the decision should be reconsidered."

25. Mr. EL IBRASHI suggested the addition of one further sentence, which would read: "Unfortunately, the Committee did not receive any response before the end of its session". It was necessary to add that sentence because the Committee had been waiting for a reply.

26. Mr. GIL LAVEDRA endorsed Mr. El Ibrashi's suggestion. Mr. Sorensen's text was not quite as direct as the Chairman's letter to the Secretary-General, which had included a request that the situation should be remedied immediately. He expressed his full support for Mr. Sorensen's text.

27. Mr. SORENSEN agreed with the additional sentence suggested by Mr. El Ibrashi.

28. The CHAIRMAN suggested adding the words "according to the United Nations" after the words "on the grounds of incompatibility".

29. Mr. BURNS observed that the Committee's statement was not sufficiently forceful. It was necessary to stress the fact that the Committee considered that its legitimate authority was being interfered with in an unreasonable and unjustified manner.

30. Mr. GIL LAVEDRA agreed and proposed the following wording: "Mr. Hugo Lorenzo was not authorized by the United Nations to travel to Geneva on the grounds that his status as an official was incompatible with that of a member of the Committee. The Committee, through its Chairman, sent a note to

the Secretary-General stating that that decision was a serious interference in the work of the Committee and requesting that that should be immediately remedied. Unfortunately the Committee received no reply during its fourteenth session".

31. The CHAIRMAN expressed agreement with the text proposed by Mr. Gil Lavedra.

32. Mr. SORENSEN (Rapporteur) supported the text proposed by Mr. Gil Lavedra.

Chapter I - Organizational and other matters (continued) (CAT/C/XIV/CRP.1/Add.1)

33. Mr. SORENSEN (Rapporteur) introduced document CAT/C/XIV/CRP.1/Add.1, explaining that it related to the formal decision taken by the Committee at its thirteenth session concerning the rapporteur system in relation to article 22 of the Convention. At that session members had voted to amend the rules of procedure as the question at issue was so serious. The amendment should be incorporated in the annual report.

34. Mr. BRUNI (Secretary of the Committee) said that the text he had read out earlier concerning increased staff resources would be incorporated into document CAT/C/XIV/CRP.1/Add.1, which would be approved as a whole.

Chapter III - Submission of reports by States parties under article 19 of the Convention (CAT/C/XIV/CRP.1/Add.3)

35. Document CAT/C/XIV/CRP.1/Add.3 was adopted.

Chapter IV - Consideration of reports submitted by States parties under article 19 of the Convention (CAT/C/XIV/CRP.1/Add.4)

36. Mr. BURNS raised the question whether the report of Guatemala should be included as having come before the Committee.

37. Mr. BRUNI (Secretary of the Committee) said that Guatemala would be included as one of the countries whose reports had come before the Committee. An additional paragraph would be added after paragraph 3 reading: "The Committee agreed, at the request of the Government concerned, to postpone consideration of the initial report of Guatemala until its fifteenth session in November 1995".

38. Document CAT/C/XIV/CRP.1/Add.4, as amended, was adopted.

Chapter V - Activities of the Committee under article 20 of the Convention (CAT/C/XIV/CRP.1/Add.6)

39. Document CAT/C/XIV/CRP.1/Add.6 was adopted.

40. The CHAIRMAN announced that consideration of the remainder of the draft report would be postponed until the following day.

The meeting rose at 6 p.m.